

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

RAFAEL URENA-TAVARES

**CRIMINAL COMPLAINT**

Case Number:

MJ-10-57 JJG

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 30, 2010, in Anoka County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed subsequent to conviction for an aggravated felony, namely: Possession with Intent to Distribute Cocaine, in the District of Minnesota, on September 8, 1994, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

11/29/10

Date


The Honorable Jeanne J. Graham  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

at

St. Paul, MN

City and State

  
Signature of Judicial Officer

**SCANNED**

NOV 29 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA     )  
  )  
COUNTY OF RAMSEY     )

ss. **AFFIDAVIT OF Bradley M. Kuhns**

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since April 2007, when I began my career as an Immigration Enforcement Agent. On August 2, 2009, I became a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. I am also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.
3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation. This affidavit is also based on my discussions with other law enforcement officers and agents directly involved in this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Rafael Antonio URENA-TAVARES charging him with being an alien who had previously been deported from the United States subsequent to a conviction for an aggravated felony who was found in the United States, and who had knowingly and unlawfully entered the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2). Accordingly, this affidavit contains only a summary of relevant facts.
5. ICE maintains an alien file on URENA-TAVARES, which is file A040 523 005 (hereinafter "A file"). I have reviewed that file and determined URENA-TAVARES is a citizen and national of the Dominican Republic who makes no claim to United States citizenship or lawful permanent residence status in the United States.
6. URENA-TAVARES' A file shows that he pled guilty to the crime of Possession with Intent to Distribute Cocaine in United States District Court, District of Minnesota. URENA-TAVARES was sentenced on September 8, 1994, to 27 months incarceration. The A file also shows that he pled guilty to the crime of Illegal Reentry in the United States District Court, Southern District of New York. URENA-TAVARES was sentenced on November 8, 2000, to 47 months incarceration.
7. URENA-TAVARES' A file shows that on September 10, 2003, subsequent to his conviction for Illegal Reentry in New York, New York. URENA-TAVARES was removed from the United States to the Dominican Republic, at Alexandria, LA.

8. On October 30, 2010, URENA-TAVARES was encountered by an Immigration Agent in the Anoka County Jail in Anoka, Minnesota, where he was jailed for an arrest related to driving without a valid license and no proof of insurance. URENA-TAVARES was interviewed by ICE, at which time he claimed to be a lawful permanent resident using the name Francisco PUJOLS. Alienage and removalilbilty could not initially be established and URENA-TAVARES was subsequently released from Anoka County custody. It was later determined that URENA-TAVARES had been removed from the United States as an aggravated felon. URENA-TAVARES' information was later forwarded to ICE Fugitive Operations for locate and apprehension. URENA-TAVARES was taken into custody by ICE Fugitive Operations on November 2, 2010 at his place of employment.
9. Review of URENA-TAVARES' A file reveals that subsequent to his removal from the United States on September 10, 2003, URENA-TAVARES has not applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security.
10. Based on these facts, I believe that Rafael Antonio URENA-TAVARES has violated Title 8, United States Code, Sections 1326(a) and 1326 (b)(2).

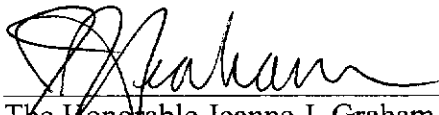
Further Your Affiant Sayeth Not.



Bradley M. Kuhns, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 29<sup>th</sup> day of November, 2010.



The Honorable Jeanne J. Graham  
UNITED STATES MAGISTRATE JUDGE